

**Sri S. NIJALINGAPPA** (Chief Minister).—Sir, I was requested to lay on the Table of the House an agreement between the Iron and Steel Works and the Consortium Private Limited, Bangalore, appointing the Company as the consultants for Alloy and Special Steel Extension Scheme and Pig Iron Expansion Scheme respectively. The agreement was entered into on 12th January 1966. I have taken time to consider over it. As per the request of the Members, I am placing the Agreement on the table of the House.\*\*

### — MYSORE AGRICULTURAL PESTS AND DISEASES BILL, 1967.

#### Motion to consider

(*Debate continued.*)

**Mr. SPEAKER.**—This Bill had been allotted  $1\frac{1}{2}$  hours. We have already spent an hour and a few minutes. There was a suggestion by the last speaker yesterday who participated in the Debate that it might be referred to a Select Committee.

**Sri S. NIJALINGAPPA.**—I also heard it. However, I wish that it is not unduly delayed. It is better it is brought in the present Session.

**Mr. SPEAKER.**—It depends upon the Whips as to how they agree to do it.

**Sri S. NIJALINGAPPA.**—Let them discuss and do it. A few friends told me that it is better to refer it to a Select Committee.

**Mr. SPEAKER.**—After all, it is an important matter in which everybody is interested. If it is being referred to a Select Committee, I think, one or two members can participate in the Debate. I call upon Sri Channe Gowda.

**ಶ್ರೀ ಎನ್. ಎ. ಜನ್ನೇಗೌಡ (ಪಾಂಡವರು).**—ನೇನ್ನಾನ್ಯೇ ಸಭಾಧ್ಯಕ್ಷರೇ, ಸರಕಾರದವರು ಕ್ಷಮಿ, ಕ್ರಿಷ್ನಾರಾತ್ರ ಮತ್ತು ರೋಗಿಗಳಿಗೆ ಸಂಬಂಧಿಸುವ ಮಾನ್ಯದೇಹನ್ನು ಕೆಲವು ಭಾಗ ಏಭಾಗ ಗಳನ್ನು ಪರೋದಿಸುತ್ತಾ ಒಂದರಿಂದ ಮಾತಾಗಳನ್ನು ಹೇಳಬಿಯನ್ನುತ್ತಿರು. ದೇಶದಲ್ಲಿ ಕ್ರಿಷ್ನಾರಾತ್ರ ಗಳಿಂದ ಆಗುವ ನಷ್ಟವನ್ನು ಪರಿಹಾರ ಮಾಡುವುದಕ್ಕೆ ಈ ವಿಧೇಯಕವನ್ನು ತಂಡಿದ್ದಾರೆ. ಬಿಂಬಿಸಿ ವಾಸ್ತವಿಕವಾಗಿ ಈ ವಿಧೇಯಕದಿಂದ ಉದ್ದೇಶ ನಾಥನೀಯಾಗುತ್ತದೆಯೇ ಎಂಬುದನ್ನು ವಿಮರ್ಶಿಸಬೇಕು. ದೇಶದಲ್ಲಿ ಈ ವರ್ಷದಲ್ಲಿ ಸುಮಾರು 1,600 ಕೇಲೋಟ ರೂಪಾಯಿಗಳ ಬೆಲೆಯು ಧಾನ್ಯಗಳು ಕಾಳಾಗುವುದು ಎಲ್ಲಾರೂ ಗೊತ್ತಿರುವುದು ಅನ್ಯಾನ್ಯ ವಿಧಾನದಲ್ಲಿ ಅಂದಿನ್ನಿಂದಿಂದಿರುತ್ತಿರುತ್ತದೆ. ವಾಸ್ತವಿಕವಾಗಿ ಈ ವರ್ಷದ ಅಧಿಕೃತ ನಷ್ಟವನ್ನು ತಪ್ಪಿಸಲು ವಿನು ಕಾರ್ಯಕ್ರಮ ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ ಎಂದು ವಿಮರ್ಶಿಸಬಾಡಿದರೆ ನಮ್ಮ ರಾಜ್ಯದಲ್ಲಿ ಈಗೆ ಮನು ಕಾರ್ಯಕ್ರಮ ಕ್ರೀಗೊಂಡಿಲ್ಲ ಎಂದು ಬಿಂಬಿಸಬೇಕಿದೆ ಹೀಳಬೇಕಾಗಿದೆ. ವ್ಯವಸಾಯಗಾರರ ದೇಶದ ಬೆನ್ನುಮೂಲೆ, ಅಕಾರಾವನ್ನು ಬದಿಗೆನುತ್ತಿರುವೆನೆ, ಅವನುದ ಎಲ್ಲಾ ರೀಡ್ಯೂಲರ್ ಪಾಗಿಕ್ಕು ಎಂದು ಹೇಳಬುದು ಭಾಷಣವಾಡುವುದು ಸರ್ವೇನಾಮಾನ್ಯವಾಗಿ ವಾಡಿಕೆಯಾಗಿದೆ. ಅದರ ಆಚೆಗೆ ಬೆಳೆಯುವ ಬೆಳೆಯನ್ನು ಕಾಪಾಡುವುದಕ್ಕೆ ರಾಜ್ಯ ಸರಕಾರ ಏನು ರಕ್ತಜ್ಞ ಕೊಡುತ್ತದೆ ಎಂದು

(ಶ್ರೀ ಎನ್. ಎ. ಚನ್ನೀಗೌಡ)

ನೋಡಿದೆ ಆ ಬಗ್ಗೆ ಎಳ್ಳುಪ್ಪು ಗಮನಕ್ಕೆ ಹೆಚ್ಚಿಲ್ಲದಿರುವುದು ಕಾಣುತ್ತದೆ. ಆಗ ತಂದಿರುವ ಮನದ ಯಾವುದ್ದು ತಂದೂ ದೋಷಗಳಿವೆ. ನೋಡಿಕ್ಕೇಷನ್ ಹೊರಿಸುವ ಅಧಿಕಾರ ದೇಶ್ಯಪಡಿ ದೈರೆಕ್ಟರಿಗೆ ಕೊಟ್ಟದೆ, ಅದು ನರಿಗಾಗಿದೆ. ಇನ್ನು ಸ್ವಿಕಂಗ್ ಅಭಿನರ್ಯ ಯಾರು ಅವನ ಅಂತನ್ನು ಮತ್ತು ಅಧಿಕಾರ ಏನು ಎಂಬುದನ್ನು ನಿರ್ಧರಿಸಾಡಿ. ಅಲ್ಲದೆ ಜವಿನಾದಾರಿಗೆ ನೋಡಿತ್ತು ಕೊಡು ವಾಗ ಪ್ರಿಯೆಚಿದ್ವ ಮತ್ತು ರೆವೆಡಿಯರ್ ಮೆಂಟ್ ಬಗ್ಗೆ ಸೂಚನೆ ಕೊಡುಗಾಗುತ್ತದೆ. ಅದರೆ ಪ್ರಿಕಾಷಣರಿ ಸೂಚನೆಯೇನ್ನೂ ಕೂಡಾವಿಲ್ಲ. ಅದರಿಂದ ರೈತನ ಜನ ಜಾನುವಾರಾಗಳಿಗೆ ನಷ್ಟ ಅಗಾವ ಸಂಬಂಧವಿದೆ.

[MR. DEPUTY SPEAKER in the Chair]

2-00 P.M.

ಮುಂದೆ ಇಮುವುದಕ್ಕಿಂತ ಮುಂಡಿ ದೃಷ್ಟಿಕಾಕಿದ್ದಾರೆಯೇ ಎಂದು ನಾನು ಕೇಳುತ್ತೇನೆ, ಏಕೆಂದರೆ, ಪೊಲುನೆಯಿದಾಗಿ ನಾನು ಮಾನ್ಯ ಮುಂತಿಗಳನ್ನು ಕೇಳಬಿಂಬಿಸುವುದೆನಂದರೆ ಸೆಕ್ಕನ್ ಇಂದಿ, 'ಹೆನಾಲ್ಪ್ರೈಸ್' ಎನ್ನ ಪುದರೋಳಗೆ ಪ್ರಾಂಟ್ ಅಥವಾ ಟ್ರೈ ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಪ್ರಾಂಟ್ ಎಂಬ ಶಬ್ದವನ್ನು ಸೆಕ್ಕನ್ ಇಂದಿ ದಿಖ್ತಿನ್ನಾ ಮಾಡಿದ್ದೀರಿ. ಪ್ರಾಂಟ್ ಎಂದರೆ ಹೀಗಿದೆ :

(11) 'Plant' includes all horticultural or agricultural crops, trees, bushes or herbs, and includes the fruits, leaves, trunk, roots, bark or cutting or any part thereof but does not include the seed :

Provided that the State Government may, by notification, direct that the seed of any particular plant shall be deemed to be a plant."

ಎಂದು ಇದೆ. ಹೆನಾಲ್ಪ್ರೈಸ್ ಒಳಗೆ ಟ್ರೈ ಎಂಬ ಪದವನ್ನು ಉಪಯೋಗಿಗೆ ಮಾಡಿದ್ದೀರಿ. ಅದ್ದಿಂದ ಸೆಕ್ಕನ್ 2 ಸದ್ಗು ಸೆಕ್ಕನ್ 11 ರಲ್ಲಿ plant or tree ಎಂಬ ಪದವನ್ನು ಕೂಡ ಹಾಕಬೇಕಾಯಿಲ್ಲ. ಅತ್ಯಾವಶ್ಯಕ, ಅದು ಮಾನ್ಯ ಮುಂತಿಗಳವರ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೋ ಇಲ್ಲಷ್ಟೋ ಗೊತ್ತಿಲ್ಲ. ಸೆಕ್ಕನ್ 13 ರಲ್ಲಿ :

" 13. Penalties : (1) Whoever removes any plant or tree in contravention of the directions contained in a notification issued under section 3 shall, on conviction, be punished with fine which may extend to fifty rupees."

ಇಲ್ಲಿ ಯಾಂತೆ ತಿಳಿ ಕೇಡುವುದು? ಯಾರು ಗಿಡನ್ನು ತೆಗೆಯೆ ಹಾಕುತ್ತಾರೋ ಅವರಿಗೆ. ಯಾವ ಸೆಕ್ಕನ್ ಪ್ರಕಾರ? ಮಾರನೇ ಸೆಕ್ಕನ್ ಪ್ರಕಾರ ಏನು ಹೇಳಿದೆ ಎಂದರೆ :

" 3. (b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another or prescribe such other preventive or remedial measures as may be necessary in respect of such pest, disease or weed."

ಈ ಸೆಕ್ಕನ್ ಕಾಂಟಿನಿನ್ ಮಾಡಿದರೆ ತಿಳಿ ಏಡಿಸಲಾಗುತ್ತದೆ. ಇದು ಒಂದಕ್ಕೊಂಡಕ್ಕೆ ಕಾಂಟ್ ಡೆಕ್ಕನ್ ಅಗುತ್ತದೆ. ಅಧಿಕಾರಿಗಳಾದರೂ ಕೂಡ ಇದನ್ನು ನೋಡಿದರೋ ಇಲ್ಲವೋ ಎಂಬ ಅನುಮಾನ ಇವತ್ತಿನ ದಿವಸ ಉದ್ದೇಶಿಸುತ್ತಾ ಇದೆ.

ಸೆಕ್ಕನ್ ವಿಳಾಳಿ " Procedure where measures prescribed to eradicate insect pests include removal or destruction of plants :

" Where the remedial or preventive measures directed to be carried out by a notification under section 3 include the removal or destruction of any plant in order to eradicate or prevent the introduction or re-appearance of any insect pest, any occupier who fails to remove such plant on or before the date specified in such notification shall be deemed to have committed an offence under this Act and the removal or destruction of such plant may be carried out by the Inspecting Officer or under this supervision."

Any occupier who fails to remove, that person is held for punishment. But whereas it is mentioned in clause 13 as, " who ever removes any plant or tree in contravention of the directions contained in a notification issued under Section 3 shall, on conviction, be punished with fine which may extend to fifty rupees." It is just contrary to rules

(ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ)

(7) and (3). ಇವು ಒಂದಕ್ಕೂಲೂ ವಿರುದ್ಧವಾಗಿ ಇವೆ, ಆ ದೃಷ್ಟಿಯಿಂದ ಇವನ್ನು ಸರಿಯಾಗಿ ಡಾರ್ಕ್‌ಪ್ರ್ಯಾಮಾಡಿಲ್ಲ, ಮಂತ್ರ ಮಾಂಡಳಿದವರು ಸರಿಯಾಗಿ ಸೂರ್ಯದೇ ಜನಗಳಿಗೆ ತೊಂದರೆ ಕೊಡುವುದ ಕ್ಷೀಂತ ಈ ತರಹದ ಕಾಮುದೆಗಳನ್ನು ನಮ್ಮೆ ಎಂದಿಗೆ ತರುವುದು ಒಕ್ಕೆಯದೆಂದು ಹೇಳಬಹುದುತ್ತೇನೆ.

ಕಾಲ್ನಾ (12) ರಲ್ಲಿ “ಅಳ್ಳಿಗೇರ್ನೆ” ಅಥ “ವಿಲೇಂಬ್” ಅಫೀಸರ್ಸ್” ಎಂದು ಹಾಕಿದ್ದೀರಿ. ಈಗ ವಿಲೇಂಬ್ ಅಫೀಸರ್ಸ್ ಎಂಬ ಡೇವಿಷನ್‌ನು ಉಳಿದಿಲ್ಲ. ಪ್ರೋದಲು ಇತ್ತು. ಈಗ ಅದಕ್ಕೆ ಬಿದರಾಗಿ ವಿಲೇಂಬ್ ಅಕ್ರಾಂಟಿಕ್ ಅಥವಾ ಹೊಸದಾಗಿ ಕೊಟ್ಟಿರತಕ್ಕ ವಿಲೇಂಬ್ ಲೆವಲ್ ವರ್ಕಾರ್ ಅನ್ನು ವಾತಕ ಹೆಸರು ಇದೆ. ಒಂದು ವೇಲೆ ಇವನ್ನು ನಾವು ತಿಗಿರುವಂತೆ ಹಾನಿ ಮಾಡಿರೂ ಕೊಡುವುದೆ ಎಂದೆ ವಿಲೇಂಬ್ ಅಫೀಸರ್ಸ್ ಎಂಬ ಡೇವಿಷನ್‌ನು ಬಿದರಾವಜೆ ಮಾಡಲಿಕ್ಕೆ ಒಂದು ತಿದ್ದು ಪಡಿಯಿನ್ನು ತರಬೇಕಾದ ಸಂದರ್ಭ ಬಿರುತ್ತದೆ. ಅದ್ದಿಂದ ಅದನ್ನು ಈಗರೇ ಸೂಕ್ತ ರೀತಿಯಲ್ಲಿ ಬಿದರಾವಜೆ ಹಾದುವುದು ಸೂಕ್ತ ಹೆಂದು ಚೇಕ್ ನಬಿಯಿಸುತ್ತೇನೆ.

ಸರ್ಕಾರದವರ ಶಾಸ್ತ್ರೀ ಈ ಬಿಲಾನಿಂದ ಸಫಲವಾಗುವುದಿಲ್ಲ ಎಂಬುದನ್ನು ಬಿಡಿತವಾಗಿ ನಾನು ಸದಸ್ಯರಲ್ಲಿರುಗೂ ಮತ್ತು ಸಭಾಧ್ಯಕ್ಷರಿಗೂ ತಿಳಿನಬಿಯಿಸುತ್ತೇನೆ. ತಾವು ನೋಡಬಹುದು ಕಾಲ್ನಾ ಎಂಬ ರಲ್ಲಿ :

“8. Notice to occupier to take remedial or preventive action—(1) Where on inspection of any land, water or premises, an officer authorised in this behalf under section 16 finds that the preventive or remedial measures specified under section 3 have not been carried out as directed,.....”

But Section 16 says like this :

“16. Appointment of Inspecting Officers—The State Government may from time to time by notification, appoint persons to be Inspecting Officers for the purpose of exercising the powers and discharging the duties.....”

Section 2 says “(4) ‘Inspecting Officer’ means an Officer appointed under Section 16.”

The Officer authorised in this behalf under section 16 is different. ಒಂದೇ ಅಡಿಕಾರಿಗೆ ಎರಡು ಹೆಸರುಗಳನ್ನು ಬೇರೆ ಬೇರೆಯಾಗಿ ಕೊಡಲಾಗಿದೆ, ಅದಕ್ಕೆ ಬಿದರಾಗಿ ‘Inspecting’ ಎಂದು ಹಾಕಿ ಅದನ್ನು ಇನ್ನೂ ಸರಳವಾಗಿ ಮಾಡುಹುದಾಗಿತ್ತು. ಅದು ಪ್ರಾಜೆ ವಾಗಿ ಆಗುತ್ತಾ ಇತ್ತು. ಸರ್ಕಾರದವರು ಎರಡು ಹೆಸರುಗಳನ್ನು ಕೊಟ್ಟಿರುವುದು ನನಗೆ ತಿಳಿಯಿರಾದಂತಹ ಪ್ರಶ್ನೆಯಾಗಿದೆ.

ಕಾಲ್ನಾ 8 (2)ರಲ್ಲಿ “The occupier may within seven days of the service upon him of such notice prefer an appeal to the prescribed officer who may make such order thereon as he thinks fit.”

Here seven days notice in person. ಕಾಲ್ನಾ ಒಂಬತ್ತರಲ್ಲಿ ಏಳು ದಿವಸಗಳ ಚ್ಯಾಂಪಿಕ್ ನಿಕ್ಯಾತಿದಿಲ್ಲ. ಅಲ್ಲಿ ಇನ್ನು ಹೇಳಿತ್ತಾರೆ ಎಂದರೆ: “.....in cases where an appeal has been preferred, by the prescribed officer on appeal, he shall be deemed to have committed an offence under this Act.....”

By merely preferring an appeal, it amounts to stay. ಸಿವಿಲ್ ಪ್ರೆಸ್ಟಿಜಿಯಾ ಕ್ಲೋನೆಲ್ಲಿರತಕ್ಕದ್ದನ್ನೇ ಇಲ್ಲಿ ಕೊಟ್ಟಿರುತ್ತಾರೆ. ಒಂದು ಸಾರಿ ಶ್ರೀಸೈಪ್ರಪಂತ್ ಅಥಾರಿಟಿ ಎಂದಿಗೆ ಅಫೀಲ್ ಫ್ಲೂ ಮಾಡಿರೆ, ನ್ಯೇ ತಂದರೆ ನೆಕ್ಕನ್ ಎಂಬ ರಲ್ಲಿ ಕೊಡತಕ್ಕ ಅಧಿಕಾರವನ್ನು ಜರಾಯಿಸಲಕ್ಕೆ ಬಿರುವುದಿಲ್ಲ. ಬೇರೆಗೆ ರೋಗ ತಗುಲ ಹಾಳಾಗಿ ಹೇಗೆತಕ್ಕ ಪರಿಸ್ಥಿತಿ ಬರುತ್ತದೆ,

ಈ ತರಹದ ಕಾಯಿದೆ ಮಾಡಿ ರೈತರಿಗೆ ಯಾವ ಹಿತ ಮಾಡುತ್ತೇರಿ ಎಂದು ತಮ್ಮನ್ನು ಪ್ರತ್ಯೇ ಮಾಡುತ್ತೇನೆ. ಇಷ್ಟೇಲ್ಲಾ ಮಾಡಿ ಬೇಕಾದಪ್ಪು ನಕಾಯ ಮಾಡುತ್ತೇವೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ಆದರೆ ಕಾಯಿದೆ ಗಳನ್ನು ಮಾಡಿ ಕೋಡುಗಳಿಗೆ ಎಕ್ಕುತ್ತಕ್ಕದ್ದು ಎರಡನೇ ಮಾರ್ಗ ಇವರಲ್ಲಿ ಇದೆ. ಹೆನಾಲ್ಪು ನೇರ್ಕೆಂಪು ನೊಡಿದರೆ ಇದರಲ್ಲಿ ಪಾರ್ಶ್ವಿಕಾರ್ಯಾಚಾರ ಮಾಡತಕ್ಕ ಅಧಿಕಾರಿ ಯಾರು? ಕ್ರಿಂಗರ್ ಪ್ರೈಸ್‌ಇಂಜರ್ ಕೋಡೆ ನೊಡಿ, ಅದರಲ್ಲಿ ಇಂತಿಷ್ಟು ಹೆಚ್ಚುಹೊಂಡು ಎಂದು ಇದೆ. ಈ ಅರ್ಕ್ ಪ್ರಕಾರ ಪಾರ್ಶ್ವಿಕಾರ್ಯಾಚಾರ ಮಾಡಲು ಯಾರು ಯಾರು ಕಾಳೆಲಂಪು ಫೆರ್ಲ್ ಮಾಡಬೇಕು ಎಂದು ಆ ಕಾಯಿದೆಯಲ್ಲಿ ಇಲ್ಲ.

ಎರಡನೇಯ ವಿಷಯ ನಬ್ಬೆಕಾಲ್ಪನ್ ಪ್ರಾಸ್ತುವಿಕವಾಗಿ ಹಬ್ಬಿಕ್ ನೆರ್ವೆಂಚ್ ಯಾರು ಎಂದು ದೇಖಿಸಿಕೊಂಡಿರೆ ಹೇಳಿಗೆನ್ನಿತ್ತು. Inspecting authority will be deemed to be a public servant ಎಂದು ದೇಖಿಸಿಕೊಂಡಿರೆ ಕ್ರಿಂಗರ್ ಪ್ರೈಸ್‌ಇಂಜರ್ ಕೋಡೆ ಮತ್ತು ಇಂಡಿಯಾನ್ ಪ್ರೈಸ್‌ರ್ ಕೋಡೆ ಅನ್ನು ಅಗುತ್ತಿತ್ತು. ಅದರೆ ನಮ್ಮ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ನಬ್ಬೆಕಾಲ್ಪನ್ 4(ಬಿ) ನಲ್ಲಿ ಅನೇಕ ಪಾರ್ಶ್ವಿಕಾರ್ಯಾಚಾರ ಅನಾವಶ್ಯಕವಾಗಿ ಸೇರಿಸಿದ್ದಾರೆ, ಎಂದು ಹೇಳಬಯಸುತ್ತೇನೆ.

ಇನ್ನೊಂದು ವಿಷಯ ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಬಯಸುತ್ತೇನೆ. ನೋಟಿಫಿಕೇಶನ್ ಪದ್ದತಿ ನೇರ್ಕೆನ್ 3 ರಲ್ಲಿ ನೋಟಿಫಿಕೇಶನ್ ಮಾಡಬೇಕು ಎಂದು ಇದೆ. ನೋಟಿಫಿಕೇಶನ್ ಮಾಡಿದ ಮೇಲೆ ದೆಪ್ಲಿಟಿ ಡ್ಯೂರೆಕ್ಟರ್ ನೋಟಿಫಿಕೇಶನ್ ಕೊಡಬೇಕು. ನೋಟಿಫಿಕೇಶನ್ ಅವಧಿ ಇಂತಿಷ್ಟು ಎಂದು ಇದೆ. ಆ ಅವಧಿ ಮುಗಿದ ಮೇಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬೇಕು ಎಂದು ಇದೆ. ಆ ಅವಧಿ ಕೆಂಪ್ಲಿಕ್ ಪ್ರಕ್ರಿಯೆ ಬಂದು ತಿಂಗಳು ಇರಬೇಕು ಎಂದು ಇದ್ದರೆ ಆ ರೋಗ ಒಂದು ತಿಂಗಳವರೆಗೆ ಉಲ್ಲಿಖಿತವಾಗಿ ಸಾಧ್ಯವೇ? ಅಧಿಕಾರಿ ನೋಟಿಫಿಕೇಶನ್ ನರ್ಮಾ ಮಾಡುತ್ತಾರೆ. ಕೂತರೆ ಬೆಳೆಯ ಬೇಲೆ ಬರತಕ್ ರೋಗಗಳು, ಮುದತೆಗಳು ಈ ಪಾರ್ಶ್ವಿಕಾರ್ಯಾಚಾರ ನೋಡಿ ಬೇರೆ ಮಾರ್ಗ ಹಿಡಿದು ಹೋಗುತ್ತದೆಯೇ? ಮಾಡಿದ್ದ ಲ್ಯಾಂಪಾಳು ಮಾಡಿ ಹೋಗುತ್ತದೆ. ರೈತರಿಗೆ ತಾತ್ಕಣ ಕೊಡತಕ್ಕಂಥ ನಕಾಯ ಈ ಅರ್ಕ್ ನಲ್ಲಿ ಇಲ್ಲ. ಆದುದರಿಂದ ನಾನು ಈ ಮನುದೆಯನ್ನು ಕಷ್ಟವಾಗಿ ಒಳಿಸುತ್ತೇನೆ ಮತ್ತು ವಿರೋಧಿಸುತ್ತೇನೆ. ಇಷ್ಟೇ ಹೇಳಿ ಅಧ್ಯಕ್ಷರು ನಂತರ ಮಾತನಾಡಲು ಅವಕಾಶ ಕೊಟ್ಟಿದ್ದಕಾಂಗಿ ವಂದನೆಗಳನ್ನು ಅರ್ವಿಸಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

† SRI M. R. PATIL (Hubli).—Mr. Speaker, Sir, the provisions of this Bill empower the State Government to declare any area as an affected area where the crops are found to have been affected by any disease, pest, parasite or weed. Once the Government notifies such an area authority is given to the Deputy Director of Agriculture to give notice to the cultivators or occupants of the area by beating of drums in the village calling upon them to take such measures as are necessary to eradicate such disease, pest, weed or parasite. Then, Sir, the provisions of this Bill provide that in case the occupants of those lands fail to take those measures, then the officers concerned shall have the authority to take those measures and to recover those costs from the occupants or the cultivators concerned. Not only that, it further provides that those cultivators or occupants who have failed to take the measures as directed in the notice shall be liable for punishment under the provisions of this Act. Sir, I do not know of any crop in our State which is not generally affected by pests, disease or weed. Take any part of the State where there is cultivated land; one or other crop would be affected by pest or disease if not completely, at least partially. Then it would mean that if we pass this Bill as it is into an Act, the Government will be empowered to take measures to call upon the cultivators to take remedial measures in respect of every type of disease and every type of pest. Sir, we know the cost of pesticides and other measures required for eradicating the

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diseases are very costly now. As far as I know, in respect of pests or diseases which affect cotton, the cost of remedial measures will be at least Rs. 100 per acre. If remedial measures are to be taken, our cultivators are not in a position to spend that much of amount for the eradication of the disease. Actually, the value of the crop that they get may be of the order of Rs. 100 or Rs. 150 per acre specially in the case of dry land ; in spite of these remedial measures by way of pesticides, the crops generally fail once in two years on account of want of rains or bad weather conditions. In that case, the measures that are taken would be the liability on the cultivator which he has incurred and which he is not in a position to incur. My submission is if the provisions of this Bill are confined to powers of the Government to declare those areas which are affected by pests which are of the nature of spreading type or of epidemic nature which if not remedied immediately would spread to other areas, then I can understand. I submit that the powers under Section 3 are too wide and the Select Committee should amend the provisions of this Section so as to apply it to such diseases and pests or weeds which are of epidemic nature or are likely to spread to other areas. The Government should not have power to notify an affected area in respect of ordinary diseases and pests.

Sir, the second point is that our cultivators are ignorant people and they have not the financial resources to undertake the remedial measures. After all, these improvements and these reforms are to be done by inducing the cultivators and not by punishing them. The provisions of this Act say that if a cultivator does not take the measures which the Deputy Director has asked the cultivators of an area to undertake, then not only the cost of the eradication of that disease would be recovered from those cultivators, but further the cultivators or occupants would be liable to punishment. This is a provision which should not exist in a law of reformation. My submission is that the cultivator should not be punished under any circumstances. At the most, you may recover the cost. So, the provision which relates to punishment of occupants of lands should be deleted and the Select Committee may take this into notice.

Sir, clause 7 says :

“...any occupier who fails to remove such plant on or before the date specified in such notification shall be deemed to have committed an offence under this Act and the removal or destruction of such plant may be carried out by the Inspecting Officer or under his supervision.”

This clause contemplates provision under the Act which makes an offence punishable under this Act. It provides for penalties section which provides for penalties for offences only under certain sections. These provisions do not include this section 7. I submit that the Joint

Select Committee may take into consideration that the provisions of section 7 are not referred to in section 13.

There is another provision in this Bill which empowers the agricultural officer to impress upon the cultivators and to call upon them to render such services as may be necessary for him. I do not think that in these days of Independence, we can compel persons to render service. After all the agricultural officer can take services by paying wages and carry on the work of eradicating the disease. But to compel anybody in these days to come and render service is something which we cannot agree to. My submission is, I do not agree with the provisions which empower the agricultural officer to impress a leader or to call upon a person to work under him whether he is willing or not.

Sir, with these remarks I submit that the Select Committee will take into consideration the points which I have touched upon.

**SRI V. N. PATIL.**—Sir, the Bill that is introduced apparently looks like one which is introduced with the main intention of helping the agriculturist. But as one looks into the entire provision that is being introduced and is intended to be converted into an enactment, it is more penal in nature anti-agriculturists in character rather than helping agriculturists.

Sir, there are two anomalies which cannot be ignored and without serious approach it cannot be solved. The Bill itself would become pandoras's box. Litigation are bound to be there, rather than giving the agriculturist the much-needed help in eradicating the pests.

There is one penal clause giving powers regarding recovery of costs and penalties. It is penal in nature and not progressive to help the peasants. Is it the fault of the agriculturist that nature has not blessed him but on the other hand there are some pests and other things which is beyond his control, beyond the reach of his purse and it should be remembered that the agriculturist in our State is the most backward in his economy. That being the case the need of the time is to see that legislation should always come to his aid. There is no specific officer—no body knows what will be the rank of the officer who is going to fix up. The casts for operation. All that is said here, 'inspecting officer'—of what rank? Can he be above the rank of revenue inspector and what is the status of the officer—these are things that are not mentioned in the Bill. That means, the inspecting officer is given abnormal powers regarding recovery of the cost of spray and insecticides. And it is our experience that for one acre of sugarcane, if proper insecticides are used, the cost will not be less than Rs. 100 and if it is paddy, it will not be less than Rs. 150 and can we expect an agriculturist having 5 acres of paddy to be prepared to pay Rs. 500 and even more towards the cost of pesticides sprayed there? It is rather unscientific and retrogressive and far away from progressive socialistic pattern. The Government says that the agriculturist has to pay for the cost of insecticides and if they fail to pay, we will recover the amount regarding the cost of pesticides

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in the form of arrears of land revenue. And that is 30 days notice will be given to him and if he fails to deposit the amount, the occupancy right of the occupant tenant is lost as it will put to sale. Nature is not so cruel to the raiyat. With all the pests, the agriculturist is sometimes able to save 25 per cent of the crop. After paying for insecticides a sum of Rs. 500 or Rs. 1,000 what can a raiyat holding five acres hope to get from his land not any dividend but a liability of further incurring loan? Let us examine the condition of agriculturist in our State, which is not very different from the agriculturists in the whole of India. If all the talk about increasing food production on the part of the Government has any meaning, then we must go to the aid of the agriculturist and fix up only some nominal charge for the cost of pesticides and that the agriculturist must be expected to pay ought to be only a nominal charge. I have no objection if the Government can think of some slab system to be adopted in this respect, making the burden on the small holder as light as possible and increasing the charge in the case of big land holders. There are agriculturists who have small holdings, 2 acres, 5 acres 10 acres, and only in some cases there are people who hold lands above 100 acres. It is therefore very unbecoming on the part of the Government to have brought such a bill like this without paying some consideration to the extent of holdings and the paying capacity of the raiyat. I have no greviance if the big landlords are asked to meet the charges of pesticides for their lands.

Coming to the question of appeal, even an appeal filed under the Criminal Procedure Code for offences which are committed under the Penal Code, there is provision for the aggrieved accused and convicted person to get the benefit of section 5 of the Limitation Act. They have given 7 days for appeal. Can we expect our illiterate agriculturists to be so vigilant? Naturally when things go wrong, the raiyat will be compelled to consult a lawyer and take his assistance. It is rather unthinkable and unbecoming. Government must give much attention to the sufferings of the agriculturist and consider the consequences which the mass of illiterate agriculturists suffer for the agriculturist before bringing such Bills before the House. The experience of the agriculturist is that even 50 years after the death of his father or forefather, even today he cannot find his name in the mutation records. He will have to butter the palm of the Shanubhogue and Patels Patwaris and everybody concerned. How can we expect the inspecting officer, whose rank even is not mentioned and further there is no mention whether he will be from Revenue Department or any other department. Supposing a revenue inspector is given powers under this Bill, God alone should come to the rescue of the agriculturists. Unless they pay Rs. 50 or Rs. 100 to the Revenue Inspector, they cannot get the unreasonable penalties written off or reduced to the reasonable extent according to law. Such being the case, I would have welcomed the introduction of the Bill, provided it were to help the peasantry, but the back

breaking contents of the Bill ought to be modified. Government must take measures to notify the area where crops are getting affected and try to render all help to the agriculturist at its own casts, as it is the duty of the Government to encourage food production. But at the same, there must be a scientific approach and I say that the cost should not at all be made recoverable from the agriculturist, it being the duty of the Government to see that better crops come up. In the interest of better food production and eventually achieving self-sufficiency, it is the moral duty of the Government to see that it does not take an antagonistic attitude against the agriculturists ; the Government must take a helpful attitude and should come forward to bear all the charges for the entire operation for certain crops for saving them from pests and diseases. It is rather unfortunate that every agriculturist has to face the ravage from these pests and therefore, Government without shirking the responsibility must take upon their shoulders in a sportive manner the duty of coming to their rescue free of charge. I conclude by appealing to the Government and urge them to bear the cost of the operations involved in weeding out these pests and plant diseases.

I thank you, Sir, for this opportunity given to me to speak.

2-30 P.M.

**Mr. DEPUTY SPEAKER.**—The House will now rise for half an hour recess.

*The House adjourned for Recess at Thirty Minutes past Two of the Clock and reassembled at Three of the Clock.*

[**MR. DEPUTY SPEAKER** in the Chair]

† **Sri D. PARAMESWARAPPA** (Honnali).—Hon. Deputy Speaker Sir, I would ungrudgingly welcome this Bill for the laudable object underlying this Bill.

Sir, now-a-days we are aware that the agricultural economy suffers much on account of the various diseases that prevail in the country. Consequently, plant protection has become more important nowadys. Sir, with this object this Bill is brought to give protection to the crops from pests, parasites and various other diseases that affect crops which provide food. Though, as I said earlier, I welcome this Bill for the apparent laudable object, I would like to make certain observations with regard to the provisions that are incorporated in this Bill.

I do not generally subscribe to the view expressed by some of my friends that the Government should take the entire responsibility of

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spraying the pesticides or insecticides. Our agriculturists have already been acquainted with the various measures in this direction of protecting the crops. The only thing that the Government is expected to do in regard to such agriculturists, is to supply these insecticides and pesticides as early as possible ; and, if possible, at subsidised rates even. If this help could be rendered by the Government, I think that every agriculturist who is conscious of his responsibilities, of his duties to protect his crops, would come forward quickly to avail of these measures to protect the standing crops from pests and diseases.

In this Bill, certain clauses have been introduced making certain acts of agriculturists punishable. For example, in section 13 conviction is contemplated. Section 14 also relates to offences by companies. I for one, would not suggest that such a penal clause should be introduced in this Bill. As observed by some of my friends and particularly by Mr. M. R. Patil, at no time the agriculturists should be punished for whatever lapses they commit in contravention of directions given for eradication of pest diseases, etc. I do agree with the view expressed by Mr. M. R. Patil wolly in this direction and I suggest that on no account there should be a penal clause for failure to take effectively the measures indicated by Government or their officers. If the Government were to take the entire cost of spraying, etc., the cost can be recovered from the concerned agriculturists as arrears of land revenue ; and when the cost of preventive and remedial operations is recovered, I think there is no need to insert this penal clause, namely, clause 13, making certain acts punishable.

In this Bill under Section 16, it is not specifically stated as to who will the Inspecting Officers. Therefore, I would like to suggest that they should be specifically mentioned here in the Bill. There should be specific mention of it before it becomes an Act. It may be stated that the Inspecting Officers shall not be below a certain rank. Left to Myself, I would suggest that the Inspecting Officers should not be below the rank of the Assistant Director of Agriculture at the District level and Inspector of Agriculture at the Taluk level. It should be stated in Section 16. A specific definition should be given so far as these Inspecting Officers are concerned before passing this Bill. That is my contention so far as Section 16 is concerned.

With these few remarks I welcome this Bill, confidently hoping that my suggestions with regard specially to the penal clauses and the Inspecting Officers will be seriously considered.

Thank you, Sir.

[MR. CHAIRMAN (SRI S. D. KOTHAWALE) in the Chair]

SRI DIGAMBAR RAO BALAWANT RAO (Aland).—Mr. Speaker Sir, no doubt the object of the Bill is very salutary and it emphasises

the importance of agriculture and provisions are there for eradicating pests and diseases. But, my submission is, the contents of the Bill are not so happily worded and the burden that is put on the poor agriculturist is very heavy and it is not contemplated in view of the circumstances of the agriculturists in our State at present. As we know Sir, normally our agriculturists are uneducated and ignorant and they have no knowledge of law or of pests or of diseases. As we know, these pests come in large number and they are not within the personal capacity of the agriculturists to singly face the calamity. So, instead of making the agriculturist responsible for certain omissions and commissions on his part, it would have been better if the Gram Panchayats are made responsible to look after these affairs. The provisions are very clumsy as was pointed out by hon. member Sri M. Nagappa and there are certain loop-holes. I do not want to repeat them but wish to make some new suggestions as I have understood the Bill.

The position of the inspecting officer is not clear, *i.e.*, of what rank he would be. I feel the powers given to him are very capricious and as experience shows these inspecting officers of the cadre of Tahsildar or persons of that rank, can do no justice to the agriculturists. So, it is very necessary that the status and rank of the inspecting officers must be made clear. Secondly, as it is, our agriculturist is still in the initial stage and he has to improve a lot and the provisions made therein presuppose that an agriculturist is a very well-to-do man and he can individually afford to spend for these pesticides and diseases and that he has full knowledge of taking action against these pests and diseases. My fear is, the Act will be observed more in its breach.

If one reads the provision in Section 14, it would be very amusing to see that it would not only be the company that will be made responsible for which it will be penalised but also the officers who are responsible for the running of the company—

“If the person committing an offence under this Act is a Company, every person who, at the time the offence was committed was in charge of, and was responsible to the Company for the conduct of business of the company, as well as the Company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly”.

That means, the company and also the officers responsible to the company are made liable to be punished under this provision, which is, I think, against the provision of the Constitution. For one act, two punishments should not be given. Either the officer responsible to the company or the person who runs the company must be held responsible. Legally the company will be a person but it is not an individual and so the company cannot be held responsible. So, any person responsible for the business of the company is responsible. I think there is something against the spirit of the Constitution.

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Similarly in sub-clause (2) of clause 14. The Director, Manger or Secretary who are in charge of the company are made liable for punishment. What is done by these persons is supposed to have been done by the company. So, I think, these provisions go against article 21 of the Constitution—Fundamental Rights. There cannot be two punishments against one offence. These punishments will not stand in a court of law.

Clause 12 says :

“Every village officer of a village adjoining a notified area within the limits of which a pest, disease or weed similar to the insect pest, plant disease or noxious weed with the notified area appears; shall report the same to such officers as the State Government may from time to time specify in this behalf.”

So, this is one more responsibility cast on persons adjoining the notified area. Then a question will arise: who is to decide ‘in the notified area’? Accordingly to this, it will be the Deputy Director of Agriculture. How will the Deputy Director have immediate information from the district headquarters and how can he come to know unless the information is given from the locality where the disease or pests has spread? So, ultimately, the information must come from the area and for that the village officer is to be responsible. Here also, I do not know how long the Deputy Director will be given time to issue a notification. That must be considered in view of the quickness of the spread of the disease. My submission is, that that also is not proper.

Then, the penalty of 500 rupees and imprisonment of three months is not proper. When we have to boost up agricultural production and when the agriculturist has yet to come to a stage when it is so, this penalty of 500 or imprisonment of three months are not necessary to be included in this Bill. They should be done away with and a nominal penalty would be enough. Rs. 500 is not within the reach of even a right agriculturist and most of the agriculturists are small holders. There are very few big agriculturists who can come under this provision. So, my submission is that this penal provision and imprisonment must be done away with. The Panchayats which have got funds, the Taluk Board and the Government must come into the picture and must discharge this duty and not the agriculturists. With these words, I resume my seat.

**Sri D. B. PAWAR** (Deputy Minister for Agriculture).—Sir, this is a small Bill with about 20 clauses. On these very lines we have a number of Acts in the State and I will just give the names of the various Acts that are now in force in the various areas of the State. They are: the Bombay Agricultural Pests and Diseases Act, 1947, the Coorg Agricultural Pests and Diseases Act, 1953, the Hyderabad Agricultural Pests and Diseases Regulation, 1952F, the Madras Agricultural Pests

and Diseases Act, 1919 and the Mysore Destructive Insects and Pests Act, 1917. The main object of this Bill is to bring about a uniform legislation and it is found very necessary that some effective and preventive measures should be adopted to combat these pests and plant diseases. With this view this Bill has been introduced. As I can see from the debate that was going on on this side as well as the other side, there is a feeling that the measures included in this Bill are coercive in nature and that there is nothing in the Act to help the farmers. That is the view of the House as a whole. As the Bill is going to a Joint Select Committee, the views expressed by members will be taken into consideration by the Joint Select Committee.

**Mr. CHAIRMAN.**—The question is :

“That the Mysore Agricultural Pests and Diseases Bill, 1967 be taken into consideration.”

*The motion was adopted.*

**Sri D. B. PAWAR.**—Sir, I beg to move :

“That the Mysore Agricultural Pests and Diseases Bill, 1967 be referred to a Joint Select Committee consisting of the following twelve members from the Legislative Assembly, and 4 members from the Legislative Council, and concurrence of appointment be obtained thereof from the Legislative Council.

Sriyuths :—

- 1 N. Hutchmasty Gowda
- 2 P. B. Nandihali
- 3 H. Siddaveerappa
- 4 K. H. Ranganath
- 5 M. Nagappa Basappa
- 6 A. R. Panchagavi  
N. Chikkegowda
- 8 M. R. Patil
- 9 A. Muniyappa
- 10 Dr. R. Nagan Gowda
- 11 Manchegowda
- 12 Smt. Basavarajeswari.”

**Mr. CHAIRMAN.**—The question is :

“That the Mysore Agricultural Pests and Diseases Bill, 1967 be referred to a Joint Select Committee consisting of the

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following 12 members from the Legislative Assembly and 4 members from the Legislative Council and concurrence of the appointment be obtained from Legislative Council :

Sriyuths :—

- 1 N. Hutchmasty Gowda
- 2 P. B. Nandihali
- 3 H. Siddaveerappa
- 4 K. H. Ranganath
- 5 M. Nagappa Basappa
- 6 A. R. Panchagavi
- 7 N. Chikkegowda
- 8 M. R. Patil
- 9 A. Muniyappa
- 10 Dr. R. Nagan Gowda
- 11 Manchegowda
- 12 Smt. Basavarajeswari.”

*The motion was adopted.*

Mr. CHAIRMAN.—Under sub-rule (2) of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, I nominate the Minister in charge of the Bill *viz.*, the Chief Minister and the Minister for Law and Parliamentary Affairs as members of the Joint Select Committee.

#### Member's Representation.

ಶ. ಸಿದ್ದಾರ್ಥ ಕಾಶಿಮರ (ಶಿರಪಟ್ಟ).—ನಾನ್ಯಾಮಿ, ಎನ್. ಬಿ. ಇ. ಫಾರ್ಕೆರಿಯವರು ಬಹಳ ದಿವಸಗಳಿಂದ ನತ್ಯಾಗ್ರಹ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಅವರ ಬೇದಿಕೆ ಬಹಳ ಸಣ್ಣ ಇದೆ. ಅವರು ಫಾರ್ಕೆರಿಯಿಂದ ಮನೆಗೆ ಹೋಗಿಸುವುದಕ್ಕೆ ಬಿಸ್ತ ನ್ಯಾಕ್ಯೂರ್ವನ್ನು ಒದಗಿಸಿಕೊಂಡಿರ್ಹೇಳಿದು ಹೇಳುತ್ತಿದ್ದಾರೆ. ಅದ್ದಿಂದ ಎನ್. ಬಿ. ಇ. ಎಫ್. ನ ಫಾರ್ಕೆರಿಯಿಂಗ್ ಡೈರೆಕ್ಟರ್ ರೋಡನ ಸರ್ಕಾರದವರು ವ್ಯವಹರಿಸಿ ಆ ಫಾರ್ಕೆರಿಯ ಕೆಲಸಗಾರರಿಗೆ ಬಿಸ್ತ ಸ್ಯಾಕ್ಯೂರ್ವ ಸಿಗುವಂತೆ ಮಾಡಬೇಕೆಂದು ನಾನು ಕ್ಷೇಗಾರಿಕಾ ಉಪಾಂತ್ರಿಗಳ ಗಮನವನ್ನು ಸೇರಿಯುತ್ತೇನೆ.